

## ENVIRONMENTAL QUALITY COMMISSION

January 27, 1999

**Index**[Review Proposed Air regulations](#)[Review of Surface Mining Regulations](#)[Forest Conservation Act](#)

The Kentucky Environmental Quality Commission (EQC) held a public meeting on January 27, 1999 at 1:00 p.m. in Room 111 at the Capitol Annex Building, Frankfort, Kentucky. Commissioners present were Chairperson Aloma Dew, Vice-chair Betsy Bennett, Patty Wallace, and Bob Riddle. EQC staff present was Leslie Cole, Scott Richards, Erik Siegel, and Frances Kirchhoff. There were approximately 20 people in attendance.

EQC Chairperson, Aloma Dew, called the meeting to order at 1:00 p.m. Betsy Bennett made a motion to approve the minutes of the September 15, 1998 meeting. Bob Riddle seconded the motion. The motion passed on voice vote.

Chairperson, Aloma Dew introduced Dianna Andrews, Assistant Director for the Division of Air Quality, to speak to the Commission about proposed air regulations. After discussion, Bob Riddle motioned to approve the following regulations and Betsy Bennett seconded the motion. Upon voice vote the Commission recommended approval of the following regulations:

- 401 KAR 68:010 General provisions
- 401 KAR 68:020 Hazard assessment
- 401 KAR 68:048 Program 2 prevention program
- 401 KAR 68:065 Program 3 prevention program
- 401 KAR 68:090 Emergency response
- 401 KAR 68:100 Regulated substances for accidental release prevention
- 401 KAR 68:150 Risk management plan
- 401 KAR 68:200 Recordkeeping401 KAR 63:105 Requirements for control technology determination for major sources in accordance with Clean Air Act section 112(g) and 112(j).

Dianna Andrews also commented on another set of proposed air regulations. After discussion, Betsy Bennett motioned to approve the following regulations and Bob Riddle seconded the motion. Upon voice vote, the Commission recommended approval of following regulations:

- 401 KAR 51:010 Definitions and abbreviations of terms used in 401, Chapters 50, 51, 53, 55, 57, 59, 61, 63, and 65. 401 KAR 51:001 Definitions and abbreviations of terms used in 401 KAR Chapter 51. 401 KAR 59:001 Definitions and abbreviations of terms used in 401 KAR Chapter 59.

401 KAR 61:001 Definitions and abbreviations of terms used in 401 KAR Chapter 61 401 KAR 63:001 Definitions and abbreviations of terms used in 401 KAR Chapter 63.

401 KAR 65:001 Definitions and abbreviations of terms used in 401 KAR Chapter 65.

Aloma Dew next introduced Carl Campbell, Commissioner, Department for Surface Mining, and Jim Villines, also with Department for Surface Mining. Mr. Villines gave a brief summary of proposed regulation 405 KAR 7:098--Reclamation in lieu of cash payment of civil penalties. In response to questions Mr. Villines noted that the flexibility to work off penalties depends upon the site. Some sites are not eligible and some companies are not eligible. He said the incentive to work off penalties is that it helps the state as well as the violator. It is very good for public relations. Mr. Villines commented that the public could request a list of available projects. He said there would be no public notice or comment period on projects. An audit is done to keep record of the work in dollar figures. Mr. Villines noted that work could be done only as penalties occur. No one can do work in advance of a penalty.

After discussion, Bob Riddle motioned to approve the regulation and Betsy Bennett seconded the motion. Upon voice vote the Environmental Quality Commission recommended approval of the Kentucky Department for Surface Mining Reclamation and Enforcement proposed regulation as follows:

405 KAR 7:097 Reclamation in lieu of cash payment of civil penalties.

Next Chairperson Dew introduced Hugh Archer, Commissioner of the Department for Natural Resources and Leah MacSwords, Deputy Commissioner. Commissioner Archer gave a brief overview of the proposed forestry regulations. Ms. MacSwords gave a status report of Senate Bill 214, the Kentucky Forest Conservation Act. A copy of Ms. MacSwords' comments is attached and made a part of these minutes.

After discussion, Betsy Bennett motioned to approve the regulations and Patty Wallace seconded the motion. Upon voice vote the Environmental Quality Commission recommended approval of the Kentucky Division of Forestry proposed regulations as follows:

402 KAR 3:020 Master Logger Program

402 KAR 3:030 Best management Practices for Timber Harvesting Operations.

After a short break, the meeting continued.

Under other business, Commissioners and EQC staff discussed and updated the 1999 Goals/Schedule and amended the meeting schedule. A copy of the 1999 Goals/Schedule is attached and made a part of these minutes.

The meeting with Secretary James Bickford earlier that morning to discuss EQC's 1999 goals was discussed. All agreed that the meeting went well. Secretary Bickford listened attentively and had positive things to say about the Commission. Chairperson Dew suggested that a letter of thanks be sent

to Secretary Bickford and that he be invited to attend the EQC Earth Day Ceremony.

Ms. Cole gave an update of the State of Kentucky's Environment report, reviewed the budget, and discussed other matters. The Commission agreed that its next meeting would be held March 25. Following the meeting Commission members will join in the cleanup of an open dump as part of Kentucky's cleanup week. Chairperson Dew directed Executive Director Cole to identify and arrange a site cleanup in or near Frankfort.

There being no further business, the meeting adjourned at 3:30 p.m.